

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING |  
REEXAMINATION SECTION OVER PENDING "REFERENCE" APPLICATION

Docket Number (Optional)  
DOC0056PA/DC5074/GC792-4

In re Application of:

Application No.: 10/800,179

Filed: March 12, 2004

For: USE OF REPEAT SEQUENCE PROTEIN POLYMERS IN PERSONAL CARE COMPOSITIONS

The owners, Dow Corning Corporation and Genecor International, Inc. each owning a fifty percent (50%) interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application on pending reference Application Number 10/845,775 filed on May 14, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

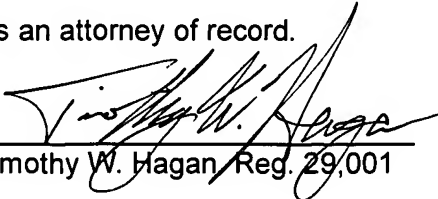
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

- ☐ 1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- ☒ 2. The undersigned is an attorney of record.

  
Timothy W. Hagan, Reg. 29,001

November 17, 2006  
Date

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.